



RECORDS RETENTION AND DISPOSITION SCHEDULE

SPECIFIC SCHEDULE 201 – 060

DEPARTMENT OF EDUCATION

SPECIAL EDUCATION AND STUDENT SERVICES

DISPUTE RESOLUTION AND ADMINISTRATIVE SERVICES

The schedule on the attached page(s) is approved with agreement to follow the records retention and disposition policies listed below:

AGENCY APPROVALSTATE APPROVAL

AGENCY HEAD OR DEPUTY

Jo Lynne DeBarry
Michelle J. Parker

STATE RECORDS ADMINISTRATOR

Robert F. Nawrocki

AGENCY RECORDS OFFICER

COMPTROLLER OR DEPUTY

EFFECTIVE SCHEDULE DATE SEP 15 2004

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POLICIES FOR RECORDS RETENTION AND DISPOSITION

1. This schedule is continuing authority under the provisions of the Virginia Public Records Act, §§ 42.1-76, et seq. of the *Code of Virginia* for the retention and disposition of the records as stated on the attached page(s).
2. This schedule supersedes previously approved applicable schedules.
3. This schedule is used in conjunction with the *Certificate of Records Disposal* (Form RM-3). A signed RM-3 must be approved by the designated records officer and on file in the agency or locality before records can be destroyed. After the records are destroyed, the signed original RM-3 must be sent to Library of Virginia (LVA).
4. Any records created before the Constitution of 1902 came into effect (January 1, 1904) must be offered, in writing, to the LVA before applying these disposition instructions. Offered records can be destroyed 60 days after date of the offer if no response is received from the LVA. A copy of the offer must be attached to the RM-3 form when it is submitted to the LVA.
5. All known audits and audit discrepancies regarding the listed records must be settled before the records can be destroyed.
6. All known investigations or court cases involving the listed records must be resolved before the records can be destroyed. Knowledge of subpoenas, investigations or litigation that reasonably may involve the listed records suspends any disposal or reformatting processes until all issues are resolved.
7. The retentions and dispositions listed on the attached page(s) apply regardless of physical format, i.e., paper, microfilm, electronic storage, optical imaging, etc. Unless prohibited by law, records may be reformatted at agency or locality discretion. Microfilming must be done in accordance with §§ 17VAC15-20-10, et. seq. of the *Virginia Administrative Code*, "Standards for the Microfilming of Public Records for Archival Retention." All records must be accessible throughout their retention period in analog or digital format. Whether the required preservation is through prolongation of appropriate hardware and/or software, reformatting or migration, it is the obligation of the agency or locality to do so.
8. Custodians of records must insure that information in confidential or privacy protected records is protected from unauthorized disclosure through the ultimate destruction of the information. Normally, destruction of confidential or privacy-protected records will be done by shredding or pulping. "Deletion" of confidential or privacy-protected information in computer files or other electronic storage media is not acceptable. Electronic records must be "wiped" clean or the storage media physically destroyed.
9. Under the *Virginia Public Records Act*, (§ 42.1-79) the Library of Virginia is the official custodian and trustee of all state agency records transferred to the Archives, Library of Virginia. The Library may purge select records in accordance with professional archival practices in order to ensure efficient access.



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RECORDS SERIES AND DESCRIPTION	SERIES NUMBER	SCHEDULED RETENTION AND DISPOSITION
<u>Administrative Process Act (APA) Regulatory Review Files</u> This series documents compliance with the Administrative Process Act, See §§2.2-4000 – 4031 Code of Virginia.	100303	Retain 5 years after expiration, termination, rescission or replacement of regulation, or end of hearings if no regulation is issued, then destroy. (Authority: General Schedule 101).
<u>Complaints Management Files</u> This series documents the handling and resolution of complaints filed with the Department. The series consists of correspondence, memoranda, appeals, corrective actions, and other pertinent materials.	007112	Retain five years after resolution then destroy.
<u>Correspondence (Other) - Department/Division Heads</u> The series documents incoming and outgoing letters, memoranda, faxes, notes and their attachments, not listed on an agency specific schedule, in any physical format including, but not limited to, paper and e-mail.	024017 012017	Retain 3 years then destroy. (Authority: General Schedule 101).
<u>Correspondence (Other) – Other Officials</u> The series documents incoming and outgoing letters, memoranda, faxes, notes and their attachments, not listed on an agency specific schedule, in any physical format including, but not limited to, paper and e-mail.	024018 012018	Retain 2 years then destroy. (Authority: General Schedule 101).
<u>Correspondence – Routine Administrative (Not Specified Elsewhere)</u> The series documents incoming and outgoing letters, memoranda, faxes, notes and their attachments of a routine administrative nature not listed on an agency specific schedule, in any physical format including, but not limited to, paper and e-mail.	024049 012019	Retain as long as administratively necessary then destroy. Disposal reporting on Certificate of Records Destruction (RM-3) is not required.



THE LIBRARY OF VIRGINIA

RECORDS MANAGEMENT AND IMAGING SERVICES DIVISION
(Form RM-2 Aug 01)

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<u>Credit Card Documents and Receipts File-Copies</u> This series documents the purchasing and payment for goods and services by the agency using credit cards. The series consist of copies of receipts and other documents that are required to control the accounts.	012100	Retain as long as administratively necessary then destroy in accordance with No. 8 on the schedule cover page. (Authority: General Schedule 102).
<u>Due Process Hearing Files</u> This series documents specific due process hearings, including hearing officer decisions, school division implementation plans, and implementation plan follow-ups.	007113	Retain 5 years after resolution then destroy.
<u>Due Process Hearing Officer File</u> This series documents the qualifications of hearing officers and complaints appeal reviewers who are appointed by the Virginia Supreme Court. This series consists of evaluations of hearing officers and complaint appeal reviewers, training certification, certification of competencies and recertification documentation.	007114	Retain for 1 year after the individual is no longer certified/qualified to conduct due process hearings then destroy in compliance with No. 8 on the schedule cover page.
<u>Electronic Tracking Logs</u> This series documents the tracking of the timelines for mediation, complaint investigations, due process hearings, corrective action plans, implementation plans, and annual plans.	007115	Retain five years, then destroy.
<u>Freedom of Information Act Requests (FOIA)</u> This series consists of the requests to view official records or retrieve information from official records and the agency response. Refer to Code of Virginia, §§2.2-3700 – 2.2-3714.	012029	Retain 3 years after final action then destroy. (Authority: General Schedule 101).
<u>Hearings – Administrative</u> This series documents administrative hearings not listed on another records retention schedule.	007116	Retain 5 years after last action then destroy.



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<u>Inquiries</u> This series documents responses to questions regarding special education regulations and laws.	007117	Retain 3 years then destroy.
<u>Legal Opinions Requested by Agency</u> This series consists of the opinions requested by the agency, its officials, employees or departments, from the agency counsel or the Attorney General's office on matters of law.	100332	Retain permanently. (Authority: General Schedule 101).
<u>Legal Opinions – Other</u> This series consists of a collection of informational, courtesy or general distribution copies of legal opinions.	100332	Retain as long as administratively necessary then destroy. These are non-records per Virginia Public Records Act, and disposal reporting on Certificate of Records Disposal (RM-3 form) is not required. (Authority: General Schedule 101).
<u>Litigation Case Files – Agency Record Copy</u> This series documents status of legal cases involving the agency, its officials, employees, or departments. Includes litigation as a result of a due process hearing or complaint investigation and challenges to responses to FOIA requests.	100333	Retain 5 years after final disposition of the case, then destroy. (Authority: General Schedule 101).
<u>Management Reports – Other Reports</u> This series documents the internal control or management of a specific function of the agency.	100336	Retain as long as administratively necessary then destroy. (Authority: General Schedule 101).
<u>Mediation Files</u> This series documents the request for mediation, appointment of mediator, mediation reports, mediation closure report, and, in some cases, copy of agreement.	007118	Retain five years, then destroy.



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<u>Office Instructions/Procedures (Internal)</u> Documents the internal guidelines, policies or instructions for the operation of an office or completion of a function.	100342	Retain until superseded, obsolete or rescinded then destroy. (Authority: General Schedule 101).
<u>Presentation Materials</u> This series consists of various items that are used in and for presentations by the agency.	100353	Retain as long as administratively necessary then destroy. (Authority: General Schedule 101).
<u>Purchase Orders-Duplicates</u> This series consists of reference copies of purchase orders. The originals are retained in finance.		Retain as long as administratively necessary then destroy. Destruction certification on RM-3 form is not necessary.
<u>Reimbursement Request Files</u> This series documents the reimbursement of moneys to agency employees for approved expenditures.	012151	Retain as long as administratively necessary then destroy. (Authority: General Schedule 102).
<u>Special Education Annual Plans</u> This series consists of the Special Education Annual Plans from each school division which are required to be filed by §22.1-215 <i>Code of Virginia</i> . The series documents actions specific to the creation of the annual plan, including department communications to school divisions and state operated programs, school division and SOP plans, and internal department communications regarding review and approval of the plans.	007119	Retain 5 years or until superseded, whichever is longer, then destroy.
<u>Staff Meeting Files</u> This series documents internal staff meetings.	100379	Retain as long as administratively necessary then destroy. (Authority: General Schedule 101).
<u>Telephone Logs-Routine</u> This series documents incoming or outgoing telephone calls.	100382	Retain 1 year after last entry then destroy. (Authority: General Schedule 101).

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Telephone Message Slips-Routine Messages

100384

Retain 1 year then destroy. (Authority: General Schedule 101).

This series documents the phone calls received by the office.